

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF MISSISSIPPI**

NATASHA MICHELLE BOYLAND

PLAINTIFF

VS.

CAUSE NO.: 18-1062-JDW

MEMPHIS WEALTH BUILDERS, LLC

DEFENDANT

MOTION TO DISMISS ADVERSARY PROCEEDING

COMES NOW MEMPHIS WEALTH BUILDERS, LLC (hereinafter referred to as Defendant), and files this Motion to Dismiss Adversary Proceeding and would show and state as follows:

1. Natasha Boyland, on or about December 26, 2018, filed the instant Adversary Proceeding seeking an Emergency Injunction alleging a violation of 11 USC 362.

2. The Property in question is located at 4414 Wrenwood Drive in Horn Lake, Mississippi. Ms. Boyland purchased the property in July of 2005.

3. The Property was lawfully foreclosed upon September 6, 2018, more than one month prior to Ms. Boyland's bankruptcy filing. Memphis Wealth Builders, LLC purchased the property that day. The Substitute Trustee's Deed was entered October 2, 2018 memorializing the foreclosure proceedings and the consideration for the purchase of the Property. A certified copy of the stamped Deed is attached hereto as Exhibit A.

4. Ms. Boyland filed for Bankruptcy protection on or about October 12, 2018, after being served with an eviction proceeding in DeSoto County Justice Court. The initial bankruptcy

filing did not list Memphis Wealth Builders, LLC as a creditor. Ms. Boyland later added Memphis Wealth Builders to the creditor matrix, but they do not list the company in their schedules and claim they owe the company no money.

5. The instant adversary proceeding must be dismissed, as Bankruptcy Court does not have jurisdiction of the property in question, it is not part of Ms. Boyland's bankruptcy estate, and it is not subject to the automatic stay. Ms. Boyland has no grounds for an injunction, as she has no ownership interest in the property in question.

6. Memphis Wealth Builders, LLC requests the matter be dismissed with all costs being assigned to Ms. Boyland. Memphis Wealth Builders, LLC further requests its attorney fees be paid by Ms. Boyland.

Respectfully Submitted,

BRIDGFORTH, BUNTIN & EMERSON, PLLC
Attorneys for Plaintiff

BY: /s/ Adam B. Emerson

Adam B. Emerson (MSB #102258)
5293 Getwell Road
Southaven, MS 38672
Telephone: (662) 393-4450
Email: adam@bbelawyers.com

CERTIFICATE OF SERVICE

I, Adam B. Emerson, hereby certify that I have notified the following interested parties of the Motion to Dismiss Adversary Proceeding filed by Memphis Wealth Builders, LLC, as reflected on the foregoing notice by U.S. Mail, postage prepaid and/or to all interested parties and the Chapter 13 Trustee by electronic servicing this, the 31st day of December, 2018.

- Jeffrey Levingston jleving@bellsouth.net, MS01@ECFCBIS.com
- U. S. Trustee USTPRegion05.AB.ECF@usdoj.gov
- Natasha Michelle Boyland 4414 Wrenwood Drive, Horn Lake, MS 38637

/s/ Adam B. Emerson
Certifying Attorney